

## **Appeals Tribunal Decision**

<b>Case Ref:</b>	<b>APE 0425</b>
<b>Date of Appeals Tribunal:</b>	<b>23 June 2009</b>
<b>Relevant Standards Committee:</b>	<b>London Borough of Hillingdon</b>
<b>Date of Standards Committee Decision:</b>	<b>3 March 2009</b>
<b>Name of member concerned:</b>	<b>Councillor Michael Cox of same authority</b>
<b>Monitoring Officer:</b>	<b>Raj Alagh</b>
<b>Independent Investigator:</b>	<b>David Lunn</b>
<b><u>Appeals Tribunal Members</u></b>	
<b>Chairman:</b>	<b>Chris Hughes</b>
<b>Member:</b>	<b>Trevor Jex</b>
<b>Member:</b>	<b>Peter Dawson</b>

1. The Appeals Tribunal has considered an appeal from the Appellant about the above decision.
2. The Appeals Tribunal has considered written and oral submissions from both parties and has heard evidence from a number of witnesses called on behalf of the parties.
3. The Appellant had appealed against the decision of the Hearing Sub-Committee of London Borough of Hillingdon's Standards Committee (the Standards Committee) that he had failed to follow paragraphs 3(1) and 5 of the Code of Conduct when he used the word 'corrupt' against Conservative members at a full council meeting on 17 January 2008.
4. Paragraph 3(1) of the Code provides:

*"You must treat others with respect."*
5. Paragraph 5 of the Code provides:

*"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."*
6. In this appeal by way of re-hearing from that decision the Appeals Tribunal has determined that the Appellant did fail to follow the provisions of the Code.
  - 6.1. The subject matter of this appeal was within a very tight focus. During a contribution to a council debate on 17<sup>th</sup> January 2008 it was alleged that Councillor Cox referred to the ruling Conservative group on the council as corrupt. The Tribunal heard evidence from councillors as well as an officer and the public.

- 6.2. In his evidence Councillor Cox stated that he was not a good public speaker and the tribunal accepted that. To make up for this deficiency it was his custom to prepare a statement and deliver it as his contribution to debate. In the written statement (which was in evidence before the Tribunal) he referred to a "corrupt system of democracy". From his evidence to the Appeals Tribunal it was clear that Councillor Cox believes that the Conservative Group acted corruptly in its approval of changes to the governance arrangements for the council. A number of witnesses gave evidence that they could not recall him using the word corrupt. Others had heard it. In particular Councillor Lewis recalled the comment "You're all corrupt" being made by Councillor Cox as a throwaway remark as he was being heckled. Mr Revell, who was at the time Interim Head of Democratic Services and responsible for keeping a record of the meeting recalled Councillor Cox describing Conservative councillors as corrupt.
- 6.3. The Appeals Tribunal was satisfied that all the witnesses who gave evidence were giving their honest recollections of a fleeting event which happened over a year ago. No one was trying to mislead the Tribunal. In considering the evidence the Tribunal has had to weigh competing recollections of the events in the light of the quality of the evidence. Like the Standards Committee it was particularly impressed by the evidence of Mr Revell which the Appeals Tribunal found impartial, credible and compelling. The Appeals Tribunal also found the evidence of Councillor Lewis particularly persuasive. The Tribunal has weighed all the evidence before it and is satisfied, on the balance of probabilities that Councillor Cox, under the pressure of barracking and his own strong feelings about the behaviour of the majority group, inadvertently referred to that group as corrupt.
- 6.4. The Appeals Tribunal was satisfied that this was a throwaway remark made without malicious intent. However it was said in a full council meeting at which councillors, council officers and members of the public were present. By making that comment Councillor Cox failed to treat his fellow councillors with respect. By making such a claim without justification he brought his own office into disrepute. By making an unjustified claim that the majority group of the Council was corrupt he brought the authority itself into disrepute.
7. The Appeals Tribunal has upheld the finding of the Standards Committee that there was a breach of the Code of Conduct.
8. The Standards Committee concluded that in all the circumstances it was appropriate to impose no sanction with respect to this conduct. The Appeals Tribunal shares that view.
9. A copy of this determination is being given to the Appellant, the Standards Board, the Standards Committee and any person who made the allegation that gave rise to the investigation.
10. This determination will be published in a newspaper circulating in the area of the relevant local authority and also published on the Adjudication Panel's website at [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk).

Chris Hughes  
**Chairman of the Appeals Tribunal**  
4th July 2009